

**REMARKS**

Applicant respectfully requests entry of the foregoing amendments. Claim 1 has been amended and claims 16-46 have been added. Upon entry of these amendments, claims 1 and 16-46 will be pending in the application.

In the Office Action mailed July 15, 2004, the Examiner asserted that the application lacked a proper priority claim to EP application 97113319, filed August 1, 1997 and PCT application PCT/EP98/04836, filed Aug. 3, 1998. The Examiner also required that the specification of the present application be amended to contain a reference to these applications. Claim 1 was rejected under 35 USC § 112, for lack of enablement. Claim 1 also was rejected under 35 USC § 102(b) as anticipated by Rudert. The specific grounds of rejection, and applicants' response thereto, are set forth below.

**The Priority Claim**

The Examiner asserts that the priority claim for the instant application is untimely under 37 CFR §§ 1.78(a)(2)(ii) and (a)(5)(ii). Applicants respectfully traverse.

The instant application was filed with a preliminary amendment stating:

This application is a Divisional of U.S. Serial No. 09/495,880 filed February 1, 2001, said application is incorporated herein in its entirety by reference hereto.

The parent application Serial No. 09/495,880 contained an explicit statement claiming benefit of PCT application PCT/EP98/04836, filed Aug. 3, 1998, which therefore is incorporated explicitly in the instant application. Moreover, the instant application also was filed with a copy of the declaration filed in the parent application, as permitted under 37 CFR § 1.63(d). That declaration contains a clear claim for priority to both EP application 97113319, filed August 1, 1997 and PCT application PCT/EP98/04836, filed Aug. 3, 1998. The filing of the declaration from the parent application indicates applicants' clear intention to claim priority to EP97113319 and PCT/EP98/04836 and meets the statutory requirements pursuant to 35 USC § 119.

Applicants therefore respectfully submit that the instant application contains an explicit statement claiming priority to PCT/EP98/04836, filed August 3, 1998, and a clear intent to claim priority to EP97113319 and fully complies with the requirements of 37 CFR § 1.78.

**Rejection under 35 USC § 112, first paragraph**

The Examiner admits that claim 1 is enabling for filamentous phage but rejects claim 1 as lacking enablement for other "polyphages". Applicants respectfully traverse.

Without acquiescing in the propriety of the rejection, applicants have amended the claims to recite filamentous bacteriophage, thereby mooting the rejection.

**Rejection under 35 USC § 102(b)**

Claim 1 is rejected under 35 USC § 102(b) over Rudert, which is applicants' own work. Applicants respectfully traverse.

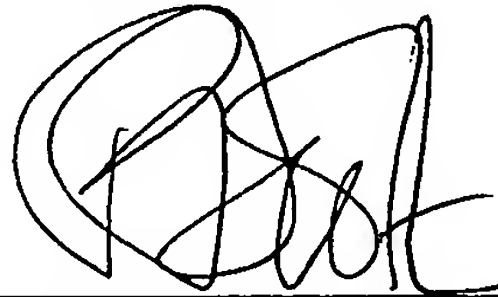
For the reasons set forth above, the instant application was filed with an explicit statement claiming priority to PCT/EP98/04836, filed August 3, 1998, and at least an implicit statement claiming priority to EP97113319, filed August 1, 1997. Rudert was published no earlier than October 23, 1998 (the date the revised manuscript was received by the publishers). Accordingly, Rudert was published later than the priority date of the instant application and is not available as prior art under § 102(b). Accordingly, withdrawal of the rejection respectfully is requested.

**Conclusion**

In light of the above amendments and remarks, applicants respectfully submit that the application is in condition for allowance.. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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